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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,468	12/01/2003	Gary Lee Besaw	BGN1237	9876

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EXAMINER
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CAMPBELL, KELLY E

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/724,468

Applicant(s)

BESAW, GARY LEE

Examiner

Kelly E. Campbell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-19 is/are allowed.
- 6) ☒ Claim(s) 1 and 3-7 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/2003</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "pivotaly" in line 1. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tucker et al (US 4,762,331) in view of Bryans et al (US 4,345,791) and Qureshi et al (US 4,989,888).

Tucker et al teaches a combined car seat stroller (20) including a base member (40) removably attachable to the seat of an automobile;

a seat member (20) removably engaged to the base member provided with padded members for comfort, see Column 3, lines 61-65;

a plurality of wheels (30) connected to the bottom portion of the seat member and for allowing the seat to be rolled on a surface when removed from the base member (40)

an elongated carry handle (54) having oppositely spaced lower portions connected to one of the plurality of wheels (30);

a telescoping handle (24) spaced from the carry handle (54) and disposed medially, while being connected to the seat member (20) and extendable outwardly and away therefrom allowing an operator to advance the cart seat when removed from the base (40);

a chest harness (38) and a plurality of harness slots, see Figures 1 and 2, and a release button.

Tucker et al does not teach a means for pivotally adjusting the height of the seat member top portion or the base member having a release lever for detaching the seat member.

Bryans et al teaches a car seat base (15) having sidewalls, including a plurality of slots (65) for receiving a seat belt there through, further including a seat lever (37), for releasably unlocking a seat member (14) from the base (15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the convertible stroller/car seat with base for supporting the car seat on a vehicle seat as taught by Tucker et al, to provide a latch-release

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connection between the seat and the base for providing a secure connection between the base and the seat and for securely attaching the seat base combination to the vehicle seat for enhancing the safety of and limiting the movement of the child.

Tucker et al teaches all aspects of the claimed invention except a reclining seat top portion.

With regards to Figure 3, Qureshi et al teaches a combination stroller, car seat having a top and bottom portion, wherein the top portion can be selectively position between upright and reclined positions.

It would have been further obvious to one of ordinary skill in the art at the time the invention was made to modify the stroller/car seat taught by Tucker et al modified by Bryans et al, to further include a reclining seat back as taught by Qureshi et al, in order to allow a child to rest comfortably and steadily within the car seat, when not mounted within the automobile.

With regards to claim 5, the Examiner takes Official Notice that a grip for a handle is common and well known in the art for allowing a user to comfortably and without slippage, hold onto the handle.

Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tucker et al (US 4,762,331) in view of Bryans et al (US 4,345,791) and Qureshi et al (US 4,989,888) as applied to claim 1 above, and further in view of Tucek (US 5,188,380).

Tucker et al in view of Bryans et al and Qureshi et al teach all aspects of the claimed invention, except a canopy.

Tucek teaches a child seat apparatus (10) including a canopy (18) connected to a seat member (12) at a bottom portion and being selectively movable between up and down positions about a hinge (56) to protect the child passenger from the environment.

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the child seat stroller combination taught by Tucker et al in modified by Bryans et al and Qureshi et al to include a canopy attachment as taught by Tucek, for providing sun or rain protection for the child passenger.

With regards to claim 7, it would have been further obvious to one of ordinary skill in the art at the time the invention was made to modify the stroller having release button, to have a plurality of release buttons, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co. 193 USPQ 8.

### ***Allowable Subject Matter***

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 8-19 are allowed.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Collins et al teaches a stroller with canopy. Lants teaches a convertible stroller/seat. Nakao teaches a stroller rocker combination. Single, II et al teaches a seat and seat base combination. Dyer teaches a stroller and car seat combination. Cone teaches a stroller and car seat combo. Wilhelm teaches a stroller, and car seat/rocker configuration.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly E. Campbell whose telephone number is (571) 272-6693. The examiner can normally be reached on 9:00-5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
KEC

  
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